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PATENT  
ATTORNEY DOCKET NO. 50393/006001

Certificate of Mailing: Date of Deposit: February 9, 2007

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah Wilcox

Printed name of person mailing correspondence

Sarah Wilcox

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kemp et al.	Confirmation No.:	5775
Serial No.:	10/589,227	Art Unit:	1615
Filed:	August 11, 2006	Examiner:	Not yet assigned
Customer No.:	21559		
Title:	Wound Healing Composition		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Applicants hereby petition under 37 C.F.R. § 1.47(a) to support the submission of a Declaration in which a joint inventor is unavailable to sign for an application for patent.

The enclosed Declaration is signed by six of the seven inventors (Paul Kemp, Gyorgyi Talas, Jennifer Sutherland, Penelope Ann Johnson, Andrew Shering, and Michael McWhan). The remaining inventor, Ms. Margaret Batten, cannot be located.

Applicants request consideration of the following remarks in light of this Petition.

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## REMARKS

### Requirements for Filing a Petition Under 37 C.F.R. § 1.47(a):

Title 37 C.F.R. § 1.47(a) states:

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(g) and the last known address of the nonsigning inventor.

To satisfy these requirements, Applicants provide:

- (1) A Declaration signed by the available inventors;
- (2) A Statement by an agent of the Assignee of the present application, Ms. Teresa Shering regarding diligent efforts undertaken to locate the non-signing inventor (Appendix A);
- (3) The last known address of the nonsigning inventor; and
- (4) The petition fee as set forth in 37 C.F.R. § 1.17(g).

Applicants also provide below a summary of the pertinent facts related to Applicants' diligent efforts to locate the non-signing inventor.

### *Summary of Pertinent Facts*

Pursuant to the requirements set forth in M.P.E.P. § 409.03(d), Applicants support their petition under 37 C.F.R. § 1.47(a) with a statement of facts (see Appendix A), which is signed by Ms. Teresa Shering, who is an IP and Licensing Manager at Intercytex Limited, the assignee of the present application (Assignment recorded on November 9, 2006, at Reel/Frame

018502/0276). Ms. Shering has firsthand knowledge of the facts recited in the accompanying Appendix, as it was she who undertook several unsuccessful attempts to locate and contact Ms. Batten. Ms. Shering's efforts include attempts to contact Ms. Batten at her last mailing address, attempts to contact Ms. Batten at her last known phone numbers, attempts to contact Ms. Batten by e-mail, attempts to reach Ms. Batten through her boyfriend's phone number, attempts to reach Ms. Batten through her previous employer, attempts to locate Ms. Batten by conducting internet searches, and attempts to reach Ms. Batten through the Merseyside local education authority where Ms. Batten is a registered supply teacher. In view of the diligent efforts taken by Applicants through their agent, Ms. Shering, to locate Ms. Batten, Applicants submit that the signed statement by Teresa Shering detailing the steps taken to locate Ms. Batten satisfies the requirements under 37 C.F.R. § 1.47(a).

*Signed Oath and Declaration by Available Inventors*

Applicants' attempts to locate Ms. Batten, as is discussed above and as is evidenced by Ms. Shering's statement provided as Appendix A, represent a *bona fide* attempt to comply with the requirements of 37 C.F.R. § 1.47. Accordingly, Applicants respectfully request that the enclosed Declaration, which is signed by all of the available inventors and in which the signature block of the nonsigning inventor, Ms. Batten, has been left blank, be accepted and that the present application for patent be allowed to proceed as being made by the other inventors on behalf of themselves and the non-signing inventor, Ms. Batten, as is permissible under 35 U.S.C. § 116 (see M.P.E.P. § 409.03).

*Last Known Address of Nonsigning Inventor*

As is required, Applicants provide the last known mailing address of Ms. Margaret Batten, which is:

Margaret Batten  
63 Ormskirk Road  
Rainford  
St. Helens  
WA11 8DQ

CONCLUSION

Applicants submit that the requirements under 37 C.F.R. § 1.47(a) have been satisfied and respectfully request that the enclosed Declaration be accepted so that the above-referenced application for patent may be allowed to proceed.

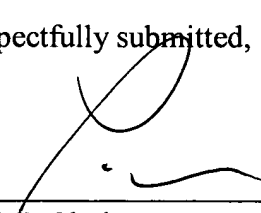
Enclosed is a check in payment of the petition fee set forth in 37 C.F.R. § 1.17(g)

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: \_\_\_\_\_

*Feb. 9, 2007*

  
\_\_\_\_\_  
Paul T. Clark,  
Reg. No. 30,162

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



## Appendix A

### Margaret Batten

Last Known address :

63 Ormskirk Road  
Rainford  
St Helens  
WA11 8DQ

#### Steps taken to locate Dr Margaret Batten

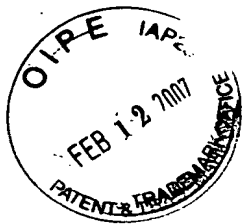
- 1) Have made contact via last known mailing address – No response
- 2) Have made contact using last known telephone numbers – Line no longer available.
- 3) Tried contacting personal email – No response
- 4) Have tried contacting her boyfriends (Mr Gareth Pugh) last known mobile phone number – No response.
- 5) Contacted her previous employer – Professor Neil Bulleid at University of Manchester ([neil.bulleid@manchester.ac.uk](mailto:neil.bulleid@manchester.ac.uk)). No other contact details than those we already had.
- 6) Extensive web searching (including directory enquiries)– No relevant hits
- 7) Contacted Merseyside local education authority – (Margaret left Intercytex to do teacher training in Merseyside). The local education authority has details of her as a registered supply teacher. The LEA tried calling her on the contact details they had available – Both numbers were un-obtainable.

Signed

*T. Shering* 11<sup>th</sup> December 06.

Teresa Shering  
IP and Licensing Manager

11<sup>th</sup> December 2006



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ATTORNEY DOCKET NO. 50393/006001  
R&G: P/48263.US01/FGN/JS

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **WOUND HEALING COMPOSITION**, the specification of which is that of PCT International Application No. PCT/GB2005/000523, filed on February 14, 2005.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Country	Serial Number	Filing Date	Priority Claimed?
Great Britain	0403220.7	February 13, 2004	Yes
Great Britain	0403226.4	February 13, 2004	Yes
Great Britain	0426252.3	November 30, 2004	Yes

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under 35 U.S.C. § 119(e) of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status
60/556,194	March 25, 2004	Expired
60/556,155	March 25, 2004	Expired
60/632,425	December 1, 2004	Expired

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

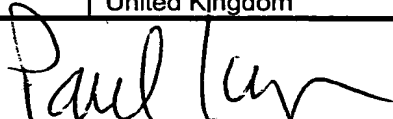
Serial Number	Filing Date	Status

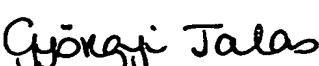
I hereby appoint the attorneys and/or agents associated with customer number **21559** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

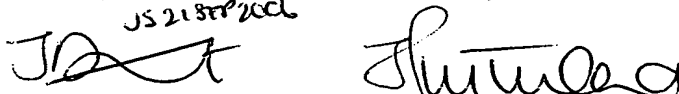
Address all correspondence relating to this application to the address associated with customer number **21559**.



Address all telephone calls to: Paul T. Clark at 617-428-0200.

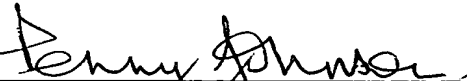
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.


Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Paul Kemp	Romiley, Stockport, United Kingdom	16 Chadkirk Road, Romiley, Stockport, United Kingdom	UK
Signature: 			Date: 12/9/06


Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Györgyi Talas	Timperley, Altrincham, United Kingdom	9 Oldfield Drive, Timperley Altrincham, United Kingdom	UK or 23/09/06 Hungarian
Signature: 			Date: 23/09/06

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Jennifer Sutherland	Stockport, Cheshire, United Kingdom	34 Pintail Avenue, Stockport, Cheshire, United Kingdom	UK
Signature:  JS 21 SEP 2006			Date: 21 SEP 2006

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Margaret Batten	Rainsford, St. Helens, United Kingdom	63 Ormskirk Road, Rainsford, St. Helens, United Kingdom	UK
Signature: 			Date: 

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Penelope Ann Johnson	Charlesworth, Glossop, Derbyshire, United Kingdom	30 Lee Head, Charlesworth, Glossop, Derbyshire, United Kingdom	UK
Signature: 			Date: 18 Sep 06

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Andrew Shering	Chorlton, Manchester, United Kingdom	62 Newport Road, Chorlton, Manchester, United Kingdom	UK
Signature: 			Date: 18 Sept 06

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Michael McWhan	Hadfield, Glossop, Derbyshire, United Kingdom	127 Woolley Bridge Road, Hadfield, Glossop, Derbyshire, United Kingdom	UK
Signature: 			Date: 18 Sep 06